

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNN HAMBOLU,

Plaintiff,

v.

PARKMERCED INVESTORS
PROPERTIES LLC,

Defendant.

No. C 12-3824 PJH

**ORDER DENYING MOTIONS FOR
EX PARTE RELIEF**

On August 30, 2012, plaintiff Lynn Hambolu ("plaintiff") filed a motion for repossession of her home and return of her property, and also filed a motion to remove her state court case (brought by her apartment complex for wrongful detainer) to federal court.

Plaintiff has been before this court before, seeking a temporary restraining order preventing her eviction. See Dkts. 6, 9. The court noted that the Anti-Injunction Act constrains the ability of federal courts to stay state court actions, and denied plaintiff's request. Plaintiff's claims as to her apartment and her personal property relate to the unlawful detainer case, and thus should be litigated in state court. Accordingly, to the extent plaintiff's motion seeks recovery of her apartment and her personal property, the motion is DENIED.

Plaintiff also seeks removal of the state court unlawful detainer case to federal court. However, plaintiff has not given any basis for removal of the unlawful detainer case, and her motion consists largely of quotations from other cases. Moreover, unlawful detainer actions do not arise under federal law, making removal improper. See, e.g., Wells Fargo Bank, N.A. v. Dimas, 2012 WL 1424803 (N.D. Cal. Apr. 24, 2012). Accordingly, plaintiff's motion to remove case CUD-11-639063 is DENIED.

IT IS SO ORDERED.

Dated: August 31, 2012



PHYLLIS J. HAMILTON
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28